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10/510,312	10/01/2004	Rolf-Dieter Pavlik	2002P03970WOUS	6251

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Siemens Corporation
Intellectual Property Department
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EXAMINER
LI, GUANG W

ART UNIT	PAPER NUMBER
2109	

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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

	Application No.	Applicant(s)
	10/510,312	PAVLIK ET AL.
Office Action Summary	Examiner	Art Unit
	Guang Li	2109

-- *The MAILING DATE of this communication appears on the cover sheet with the correspondence address* --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE <u>3</u> MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.
- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
  Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on <u>10/01/2004</u>.

2a)☐ This action is **FINAL**.   2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) <u>10-29</u> is/are pending in the application.

    4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) <u>10-29</u> is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☒ The specification is objected to by the Examiner.

10)☒ The drawing(s) filed on <u>10/01/2004</u> is/are: a)☒ accepted or b)☐ objected to by the Examiner.

    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

    Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

    a)☒ All   b)☐ Some * c)☐ None of:

      1.☒ Certified copies of the priority documents have been received.

      2.☐ Certified copies of the priority documents have been received in Application No. _____.

      3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

    * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)

2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)

3) ☒ Information Disclosure Statement(s) (PTO/SB/08)
    Paper No(s)/Mail Date <u>10/01/2004; 02/28/2006</u>.

4) ☐ Interview Summary (PTO-413)
    Paper No(s)/Mail Date. _____ .

5) ☐ Notice of Informal Patent Application

6) ☐ Other: _____.

DETAILED ACTION

Abstract

1.   Applicant is reminded of the proper language and format for an abstract of the disclosure.

The language should be clear and concise and should not repeat information given in the title. It should avoid using phrases which can be implied, such as, "The disclosure concerns," "The disclosure defined by this invention," "The disclosure describes," etc.

Specification

2.   The disclosure is objected to because of the following informalities:

On page 3 ¶[0010], the phrase "HTTP und FTP" should be changed to "HTTP and FTP",

On page 10 ¶[0023], the phrase "functionality and secondar" should be changed to "functionality and second".

Appropriate correction is required.

Claim Rejections - 35 USC § 102

3.   The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that

form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

4.   Claims 10-29 are rejected under 35 U.S.C. 102(e) as being anticipated by

Modeste et al. (US 2003/0056012 A1).

5.   Regarding claim 10, Modeste discloses a web server (Web server in "devices in

the home through the internet using a dot.com web server that allows access to the

home place web page" see abstract; Fig 2A element 140) comprising software modules

(software platform for implementing the system see FIG.2A element 30; FIG.2B; " Page

8 ¶[0084] lines 1-2), wherein at least one (at least one of devices connected to web

server like digital utility meters and smart appliances and server facilities see ¶[0003]

lines 8-10) first software module comprises a first mechanism for implementing an

automation functionality (home automation functionalities that obtain with respect to the

home and its install devices see Page 1 ¶[0006] lines 1-4; Page 8 ¶[0079] lines 1-2) and

a second mechanism for accessing (access the web server in "From a browser login

300 in a user gains access to web server listening for a user login block see page 4

¶[0051] lines 1-2) a real-time operating system (communicate with the automation

function through controller board, which runs the real time operating system page 3

¶[0045] lines 2-4).

6.   Regarding claim 28, Modeste discloses an automation system (home automation

system in "The present invention affords enhanced home automation functionality over

prior art systems by providing for the convergence of home automation" see page1

¶[0003] lines 1-8) comprising a web server (Web server in "devices in the home through

the internet using a dot.com web server that allows access to the home place web

page" see abstract; Fig 2A element 140), wherein the web server comprising software

modules (software platform for implementing the system see FIG.2A element 30;

FIG.2B; " Page 8 ¶[0084] lines 1-2), wherein a first software module comprises a first

mechanism for implementing an automation functionality (home automation

functionalities that obtain with respect to the home and its install devices see Page 1

¶[0006] lines 1-4; Page 8 ¶[0079] lines 1-2) and a second mechanism for accessing

(access the web server in "From a browser login 300 in a user gains access to web

server listening for a user login block see page 4 ¶[0051] lines 1-2) a real-time operating

system (communicate with the automation function through controller board, which runs

the real time operating system page 3 ¶[0045] lines 2-4).

7.   Regarding claim 29, Modeste discloses a computer program product (system

utilizes the connection between the internet and a user's home via a website see page 1

¶[0004] lines 1-4) comprising a web server (Web server in "devices in the home through

the internet using a dot.com web server that allows access to the home place web

page" see abstract; Fig 2A element 140) comprising software modules (software

platform for implementing the system see FIG.2A element 30; FIG.2B; " Page 8 ¶[0084]

lines 1-2), wherein a first software module comprises a first mechanism for

implementing an automation functionality (home automation functionalities that obtain

with respect to the home and its install devices see Page 1 ¶[0006] lines 1-4; Page 8

¶[0079] lines 1-2) and a second mechanism for accessing (access the web server in

"From a browser login 300 in a user gains access to web server listening for a user login

block see page 4 ¶[0051] lines 1-2) a real-time operating system (communicate with the

automation function through controller board, which runs the real time operating system

page 3 ¶[0045] lines 2-4).

8.   Regarding claim 11, Modeste discloses the web server according to claim 10,

wherein the web server comprises a connection (connections between the Internet and

the C-gateway server see FIG2A; FIG2B) to a communications network (The gateway

connection interfaces the internet connection to a supervisory home automation

controller and a home pc" see FIG.1 element 94; page 1 ¶[0004] lines 4-7).

9.   Regarding claim 12, Modeste discloses the web server according to claim 11,

wherein the communications network is the Internet (computer network and home

systems access through the Internet see page 1 ¶[0004] lines 4-7).

10.   Regarding claims 13 and 14, Modeste discloses the web server, wherein internet

protocols (communication protocols permit communication between the devices and

server facilities accessible on the Internet see page1 ¶[0004] lines 13-15) are provided

for communication (communication between the installed devices and a web and an

emulator within the gateway see abstract lines 8-11) between the software modules

(software platform for implementing the system see FIG.2A element 30; FIG.2B; " Page

8 ¶[0084] lines 1-2) and for communication between the software modules and

components outside the web server (server facility provide communication between a

net device and server see page 1 ¶[0005] lines 3-7).

11.   Regarding claim(s) 15-17, Modeste discloses the web server is adapted for

configuring (The timing between heartbeat packets is determined by configuration data

in the gateway see page 5 ¶[0056] lines 3-4) and administrating (website provides

authentication and access to the local webpage where all the information about the

devices see page 2 ¶[0035] lines 7-10) the software modules.

12.   Regarding claims 18-21, Modeste disclose the web server, wherein the first

software module comprises a connection (connections between the C-gateway server

and Networked Home PC1 or 2 see FIG1) with an industrial (The term "home" implies to

not only to residential house structure also applied to Commercial facility see page 2

¶[0034] lines 24-28) automation system (home automation system in "The present

invention affords enhanced home automation functionality over prior art systems by

providing for the convergence of home automation" see page1 ¶[0003] lines 1-8)

13.   Regarding claims 22-24, Modeste discloses the web server comprises a

connection (connections between the Internet and the C-gateway server see FIG2A;

FIG2B) to the Internet (computer network and home systems access through the

Internet see page 1 ¶[0004] lines 4-7) using a firewall (Firewall, authentication and

access see FIG.4; page 3 ¶[0041] line 8).

14.   Regarding claims 25-27, Modeste discloses the web server is connected by a

communications network (The gateway connection interfaces the internet connection to

a supervisory home automation controller and a home pc" see FIG.1 element 94; page

1 ¶[0004] lines 4-7) to a web browser (web communicator see FIG 2B element 34;

page1 ¶[0003] lines 15-17) as an operating (Home users operating and access to the

web server through internet see page 2 ¶[0037] lines 2-5) and monitoring (LCD display

show the status of devices see FIG.10; page 3 ¶[0045] line 21) system.

15.   Any inquiry concerning this communication or earlier communications from the

examiner should be directed to Guang Li whose telephone number is (571) 270-1897.

The examiner can normally be reached on Monday-Friday 7:30AM-5:00PM(EST).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's

supervisor, Jeff Pwu can be reached on (571) 272-6798. The fax phone number for the

organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the

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USPTO Customer Service Representative or access to the automated information

system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

GL

JEFFREY PWU
SUPERVISORY PATENT EXAMINER